

Butler, David

From: Butler, David
Sent: Thursday, December 3, 2020 12:36 PM
To: Nelson, Jeff
Cc: McCall43annie@gmail.com; Schmieding, Janice; Grube-Lybarker, Carri; Hall, Roger
Subject: RE: Docket No. 2020-179-T - Application of TaJa Transitions, LLC for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier

Jeff:
 OK. Thanks for looking at the matter. Of course, we had no knowledge of the applicant's status as of December 1, 2020, and did not know when the determination to rescind might have been made. Our only goal was to have ORS consider the fact that the extension was given up to December 1, 2020. As we said, ORS was not e-served with the original extension order at the time of issuance and we were just attempting to make you aware, even though it was after the fact. If the Applicant has not come into compliance by December 2, then, certainly, we were not suggesting that the Applicant be issued the Certificate. Also, I apologize for making reference to "reinstatement" of the Certificate. In any event, we appreciate you looking into the issue.
 Regards,
 David Butler

From: Nelson, Jeff <jnelson@ors.sc.gov>
Sent: Thursday, December 3, 2020 10:55 AM
To: Butler, David <David.Butler@psc.sc.gov>
Cc: McCall43annie@gmail.com; Schmieding, Janice <Janice.Schmieding@psc.sc.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Hall, Roger <RHall@scconsumer.gov>
Subject: RE: Docket No. 2020-179-T - Application of TaJa Transitions, LLC for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier

David,

After conferring with others here at ORS, I do not believe that anyone at ORS saw a Directive Order on the DMS for TaJa Transitions LLC that granted them an extension of time to comply until December 1, 2020.

Regardless of when or to who such an Order was served or posted, the Applicant was properly on the list dated December 2, 2020 in that the extension granted by Order No. 2020-769 expired on December 1, 2020. Whether it is one day or 29 days past the time to comply with an extension, ORS includes such Applicants in our monthly report. We thus believe that the Applicant was properly included on the monthly list for recession because they were not in compliance on December 2, 2020. Per the transportation department, TaJa Transitions LLC had not made any effort to come into compliance as of December 2, 2020. They have not submitted proof of insurance coverage via a Form E, have never paid to register any vehicles for decal stickers, and have not coordinated for a vehicle and driver records inspection to be performed by an ORS Inspector.

I therefore believe that the Applicant is properly on the ORS letter dated December 2nd.

I also note that while you ask that *ORS consider reinstatement of the Certificate in question*, the Applicant does not currently have a Certificate which could be reinstated as they have never been issued one.


The Commission clearly has the authority to do as they wish in this matter, but I do not believe that TaJa was improperly included on the Report which ORS filed with the Commission yesterday.

Additionally, the Applicant certainly has the opportunity to file a new application.



Jeffrey M. Nelson
Chief Legal Officer
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From: Butler, David <David.Butler@psc.sc.gov>

Sent: Thursday, December 3, 2020 9:03 AM

To: Nelson, Jeff <jnelson@ors.sc.gov>

Cc: McCall43annie@gmail.com; Schmieding, Janice <Janice.Schmieding@psc.sc.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Hall, Roger <RHall@scconsumer.gov>

Subject: Docket No. 2020-179-T - Application of TaJa Transitions, LLC for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier

Jeff:

I am seeking your help with an administrative problem concerning the above-noted Docket, and would appreciate your aid and assistance.

On November 18, 2020, the Commission issued Order No. 2020-769, which granted TaJa Transitions, LLC an extension of time until December 1, 2020 to comply with Commission Rules and Regulations. Unfortunately, this Order was not e-served on ORS on the date of issuance. I understand that the Order has now been e-served. We apologize for failing to e-serve the Order in a timely manner. The problem is that TaJa Transitions, LLC appears on the December 2, 2020 ORS Report of Applicants Whose Orders are Rescinded due to Non-Compliance. I do not know whether the Company attempted to come into compliance on or before the extension date of December 1, 2020, but under the Commission Order No. 2020-769, it did have until December 1, 2020 to do so, even though ORS did not receive a copy of the Commission's Order in a timely fashion. Again, we apologize. We would also ask that ORS re-examine this matter and, if appropriate, that ORS consider reinstatement of the Certificate in question.

Thank you for your consideration in this matter.

Regards,

David Butler

Special Counsel

Public Service Commission of South Carolina